17. 05.02.2019 By way of this writ petition, the petitioner has prayed for the following relief:

> "In the aforesaid circumstances, the petitioner respectfully prays that the Hon'ble Court may be pleased to admit the petition and direct the opp.parties to show cause as to why the differential amount of royalty amounting to Rs.2,67,318.00 in respect of which C.C. 1/1996 is filed shall not be quashed by a writ of certiorari and upon hearing the parties, the Hon'ble Court may be further pleased to issue writ by certiorari in quashing C.C. No.1/1996 in the Court of the opp.party No.4 and pass such other orders as may be deemed expedient in the interest of justice and allow the petitioner with costs;

2. Learned counsel for the petitioner submits that the petitioner is aggrieved by the illegal demand of the opposite parties No.1, 2 and 3 and the consequential Certificate Case No.1/96, initiated on the basis of the requisition sent by the opposite party No.2. It is contended that the opposite parties are not entitled to charge or recover any extra amount beyond what is strictly stipulated under the provisions of the MMRD Act and the Rules framed thereunder.

3. The matter was before the Hon'ble Supreme Court of India in Civil Appeal No.345 of 2009 @ SLP(C) No.2216 of 2008 in which, the following order was passed on 19th January, 2009:

> "Delay condoned.

> Leave granted.
> In terms of our order dated 18th January, 2008, and in terms of the judgment of the Division Bench of this Court in the case of National Mineral Development Corporation Ltd. vs. State of M.P. & Another reported in 2004 (6) SCC 281, the matters stand remitted to the High Court to decide the question of computation of royalty which has not been considered in the impugned judgment. The impugned judgment is accordingly set aside and the matters are remitted to the High Court to be decided in accordance with law.
> The appeals are accordingly allowed with no order as to costs."

4. Thereafter the matter was placed before this Court and this Court passed the following order on 15.01.2019:

> "Heard learned counsel for the petitioner.
>
> By way of this writ petition, the petitioner has challenged the illegal demand of royalty amount of Rs.2,67,318/- and further prayed for quashing of the C.C. No.1/1996. It seems that the petitioner has challenged the same at the stage of notice. Even no reply is filed regarding the jurisdiction.
>
> Learned counsel for the petitioner has pointed out the different provisions of the Mines and Minerals (Development and Regulation) Act, 1957 to justify her submission.
>
> However, with a view to enable learned counsel for the petitioner to be ready on the subject matter of this case, the matter to come up on 22.01.2019."

5. Taking into consideration the above judgment, the order at Annexure-2 is required to be quashed and set aside

and the same is quashed and set aside. The matter is remitted back to the authority. The opposite party No.2 will reconsider the case after hearing the petitioner in the light of the judgment referred hereinabove.

6. The writ petition is allowed to the extent indicated above. All connected Misc. Cases/I.As are disposed of accordingly.

It is made clear that we have not expressed any opinion on the merits of the case.

.....
(K.S. Jhaveri)
Chief Justice

SKJ

.....
(*K.R. Mohapatra)*
Judge